

Bill no.:	H.L.C. HR 3893
Amendment no.:	31
Date offered:	9/28/05
Disposition:	Agreed to, as amended, by VV

AMENDMENT TO H.R. 3893**OFFERED BY MRS. WILSON**

At the end of title IV insert the following:

1 **SEC. 403. PRICE GOUGING PROHIBITED.**

2 (a) UNLAWFUL CONDUCT.—It shall be unlawful for
3 any commercial vendor in an area and during a period
4 described in subsection (b) to sell gasoline or diesel fuel
5 at a price that represents a 10 percent or greater increase
6 from the average price of gasoline or diesel fuel prevailing
7 in the area during the 30-day period preceding the des-
8 ignation described in subsection (b), if such increase is
9 not—

10 (1) attributable to any reasonable additional
11 cost incurred attendant to the major disaster de-
12 scribed in subsection (b), including replacement
13 costs, taxes, transportation costs incurred by the
14 vendor, and costs imposed by the vendor's source; or

15 (2) consistent with national or international
16 market trends.

17 (b) APPLICABLE AREA AND PERIOD.—The prohibi-
18 tion in subsection (a) shall apply to commercial vendors
19 in areas in the United States which have been declared
20 a major disaster as defined in section 102(2) of the Robert



1 T. Stafford Disaster Relief and Emergency Assistance Act
2 (42 U.S.C. 5122(2)), or designated a disaster area by the
3 Governor of a State. Such prohibition shall apply for 90
4 days after such declaration or designation is made.

5 (c) ENFORCEMENT BY THE FEDERAL TRADE COM-
6 MISSION.—

7 (1) UNFAIR AND DECEPTIVE ACT OR PRAC-
8 TICE.—A violation of this section shall be treated as
9 a violation of a rule defining an unfair or deceptive
10 act or practice prescribed under section 18(a)(1)(B)
11 of the Federal Trade Commission Act (15 U.S.C.
12 57a(a)(1)(B)).

13 (2) ENFORCEMENT.—The Federal Trade Com-
14 mission shall enforce this section in the same man-
15 ner, by the same means, and with the same jurisdic-
16 tion as though all applicable terms and provisions of
17 the Federal Trade Commission Act were incor-
18 porated into and made a part of this section.

19 (d) AVERAGE GASOLINE PRICE ON FTC WEBSITE.—
20 Within 5 days following a declaration of a major disaster,
21 as defined in section 102(2) of the Robert T. Stafford Dis-
22 aster Relief and Emergency Assistance Act (42 U.S.C.
23 5122(2)), the Federal Trade Commission shall post on its
24 Internet website the average prices of gasoline and diesel
25 fuel in the area declared a major disaster for the 30-day



1 period preceding such declaration. The Commission may
2 consult with the Secretary of Energy in complying with
3 the requirements of this section.

4 (e) EFFECT ON OTHER LAWS.—Nothing in this sec-
5 tion annuls, alters, or affects in any manner the meaning,
6 scope, or applicability of the laws of any State or subdivi-
7 sion of a State relating to price gouging, except to the
8 extent those laws are inconsistent with the provisions of
9 this section, and then only to the extent of the inconsis-
10 tency.

In the table of contents, after the item relating to
section 402 and insert the following:

403. Price gouging prohibited.

